

REMARKS

Claims 1-4 are currently pending in the subject application. By the instant amendment, claims 2 and 4 are canceled, and the subject matter thereof is incorporated into claims 1 and 3, respectively. Also by the instant amendment, the specification is amended to correct an error of a typographical nature, and no new matter is added thereby.

Claims 1-4 are presented to the Examiner for further prosecution on the merits.

A. Introduction

In the outstanding Office Action, the Examiner rejected claims 1-4 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,216,321 to Kawamura et al. ("the Kawamura et al. reference"). The Examiner also rejected claims 1-4 under 35 U.S.C. § 102(b) as being anticipated by Japanese Application Publication No. 6,036,710 to Makoto ("the Makoto reference").

B. Asserted Rejections Under 35 U.S.C. § 102(b):

The Kawamura et al. Reference

The rejections of claims 1-4 as being anticipated by the Kawamura et al. reference are respectfully traversed, as independent claims 1 and 3 have been amended to be patentably distinguished thereover, and are believed to be in condition for allowance.

Specifically, claims 1 and 3 have been amended to include the subject matter of claims 2 and 4, respectively, and claims 2 and 4 have been canceled. The subject matter incorporated thereby into claims 1 and 3 is as follows:

wherein the panel is formed of a transparent glass having a transmission ratio of 60% or more.

U.S. Patent Application Serial No. 09/918,634, claims 1 and 3.

The transmission ratio of the glass of the panel is an important consideration in the present invention as claimed, in that the predetermined transmission ratio of the panel prevents a reduction in luminance on the peripheral area of the panel.

The Kawamura et al. reference does not teach or suggest forming the panel of a transparent glass having a transmission ratio of 60% or more, as claimed in claims 1 and 3.

Therefore, claims 1 and 3 are believed to be patentably distinguished over the Kawamura et al. reference and in condition for allowance, and a notice to such effect is respectfully requested.

C. Asserted Rejections Under 35 U.S.C. § 102(b):

The Makoto Reference

The rejection of claims 1-4 as being anticipated by the Makoto reference are respectfully traversed, as the Makoto reference fails to teach each and every limitation of the present invention as claimed in claims 1 and 3, and claims 2 and 4 have been canceled.

The subject application teaches that a conventional flat panel for a cathode ray tube produces a screen image that appears concave to a user, as shown in FIG. 4, resulting in a distorted image. The subject application therefore provides a flat panel for a cathode ray tube, which provides a refracted screen image that appears to a user to be flat or somewhat convex, thereby appearing "normal" and not distorted. This is claimed in claims 1 and 3 of the present invention by the limitation that $Y_1 \leq Y_2$, wherein Y_1 represents a vertical distance between the outer surface and a refracted screen image on a central axis of the panel, and Y_2 represents a vertical distance between the outer surface and the refracted screen image in peripheral areas other than the central axis of the panel.

Unlike the present invention as claimed, the Makoto reference teaches, in the abstract thereof, "the radius of curvature of the optical image forming face is increased nearly to flat." The optical image forming face of the Makoto reference is curved to appear concave to a user, as shown in FIG. 5 thereof. Therefore, if the "radius of curvature of the optical image forming face is increased nearly to flat," as stated in the abstract of the Makoto reference, it follows that the optical image forming face still appears slightly concave to a user, and that a distance Y_1 , as defined by the present invention, of the Makoto reference is slightly greater than a distance Y_2 , as defined by the present invention, of the Makoto reference.

Further, claims 1 and 3 have been amended to include the subject matter of claims 2 and 4, respectively, which is also not taught by the Makoto reference.

For at least the above reasons, independent claims 1 and 3 are believed to be patentably distinguished over the cited prior art reference, and in condition for allowance.

Accordingly, reconsideration and withdrawal of the rejections of claims 1 and 3 are respectfully requested.

D. Asserted Rejections Under the Judicially Created Doctrine of Obviousness-Type Double Patenting: U.S. Patent No. 6,459,196

In the outstanding Office Action, the Examiner rejected claims 1-4 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 6,459,196.

A Terminal Disclaimer has been filed to obviate this double patenting rejection of claims 1 and 3, and claims 2 and 4 have been cancelled.

E. Asserted Rejections Under the Judicially Created Doctrine of Obviousness-Type Double Patenting: U.S. Patent No. 6,160,344

In the outstanding Office Action, the Examiner rejected claims 1-4 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Patent No. 6,160,344.

A Terminal Disclaimer was filed on October 8, 2002, to obviate this double patenting rejection, but has not been acknowledged by the USPTO. Acknowledgement of the aforementioned terminal disclaimer, filed on October 8, 2002, is hereby requested.

F. Asserted Provisional Rejections Under the Judicially Created Doctrine of Obviousness-Type Double Patenting

In the outstanding Office Action, the Examiner provisionally rejected claims 1-4 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims (a) 1-30 of copending U.S. Patent Application Serial No. 09/982,984; and (b) 1-27 of copending U.S. Patent Application Serial No. 09/983,003.

The instant amendment is believed to place the application in condition for allowance, notwithstanding the provisional double patenting rejections. The MPEP § 804, in the section entitled "Between Copending Applications-Provisional Rejections" states:

[I]f the "provisional" double patenting rejection in one application is the only rejection remaining in that application, the examiner should then withdraw that rejection and permit the application to issue as a patent, thereby converting the "provisional" double patenting rejection in the other application(s) into a double patenting rejection at the time the one application issues as a patent.

Therefore, withdrawal of the provisional double patenting rejection of claims 1-4 is respectfully requested.

G. Conclusion

In view of the remarks and amendments submitted herewith, applicants respectfully submit that claims 1 and 3 are in condition for allowance.


If the Examiner believes that additional discussions or information might advance the prosecution of the instant application, the Examiner is invited to contact the undersigned at the telephone number listed below to expedite resolution of any outstanding issues.

In view of the foregoing amendments and remarks, reconsideration of this application is earnestly solicited, and an early and favorable action upon claims 1 and 3 is hereby requested.

Respectfully submitted,

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